



## **HR 970 – The Dextromethorphan Distribution Act of 2007**

### **FLOOR SITUATION**

H.R. 507 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Fred Upton (R-MI) on February 8, 2007. The Energy and Commerce Committee ordered the bill reported by voice vote on September 27, 2007.

Similar legislation (S 1378) has been introduced in the Senate by Senator Patty Murray (D-WA) and has been referred to the Committee on Health, Education, Labor and Pensions.

HR 970 is expected to be considered on the House floor on October 15, 2007.

*\*Note: Similar legislation (HR 5280) was introduced by Representative Fred Upton during the 109<sup>th</sup> Congress. HR 5280 passed the House by voice vote on December 6, 2006. Additionally, Senator Patty Murray (D-WA) introduced similar legislation (S 1378) in the 109<sup>th</sup> Congress, which was referred to the Senate Committee on Health, Education, Labor and Pensions.*

### **BACKGROUND**

Dextromethorphan (DXM) is an ingredient found in over the counter cough and cold medicines in the form of capsules, liquids, liquid gelatin capsules, lozenges, and tablets. More than 100 over the counter medicines contain DXM. While taking the appropriate dosage is considered safe, there has been increasing concerns about abuse of DXM and the dangers it poses when inappropriately used. Street names for DXM include: DXM, CCC, Triple C, Skittles, Robo, Poor Man's PCP.

Abuse among adolescents is increasing, according to the Drug Enforcement Agency. A 2005 study found that 4% to 7% of 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> graders had used DXM for non-medical purposes.

According to the Food and Drug Administration (FDA), "abuse of the drug can cause death as well as other serious adverse events such as brain damage, seizure, loss of consciousness, and irregular heart beat. " Abuse of DXM has been found in several forms, but has increasingly been found in an encapsulated powdered form, which is being sold over the internet.

The normal dosage for adults is 15 to 30 mgs three to four times daily. According to the DEA, the following "plateaus" occur when abused:

Plateau	Dose (mg)	Behavioral Effects
1 <sup>st</sup>	100–200	Mild stimulation
2 <sup>nd</sup>	200–400	Euphoria and hallucinations
3 <sup>rd</sup>	300– 600	Distorted visual perceptions Loss of motor coordination
4 <sup>th</sup>	500-1500	Dissociative sedation

Source: DEA

DXM is not currently a federally-controlled substance under the Controlled Substances Act (CSA). In fact, DXM is specifically excluded from coverage under the CSA (21 U.S.C. 811(g)(2)), although the DEA is currently reviewing DXM for control.

### **SUMMARY**

HR 970 prohibits possessing, receiving or distributing “unfinished dextromethorphan,” unless by a registered drug manufacturer.

*\*Note: “unfinished dextromethorphan” is defined in the bill as “dextromethorphan that is not contained in a drug that is in finished dosage form.”*

The bill also exempts those (known as “common carriers”) that transport unfinished dextromethorphan between registered drug manufacturers.

### **COST**

CBO estimates that implementing H.R. 970 would cost less than \$500,000 in 2008 and about \$11 million over the 2008-2012 period, assuming the appropriation of the necessary amounts. Enacting the bill could affect direct spending and revenues, but we estimate that any such effects would not be significant.

### **STAFF CONTACT**

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